

July 16, 2002

D.T.E. 00-64

Petition by NeuStar, Inc., as the North American Numbering Plan Administrator and on behalf of the Massachusetts Telecommunications Industry, for Area Code Relief in the 413 Area Code in Western Massachusetts

ORDER TO CLOSE INVESTIGATION

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ORDER TO CLOSE INVESTIGATION

I. INTRODUCTION AND PROCEDURAL HISTORY

On August 1, 2000, NeuStar, Inc., the North American Numbering Plan Administrator (“NANPA”),¹ petitioned the Department of Telecommunications and Energy (“Department”) for area code relief for western Massachusetts. In its Petition, NANPA asked the Department to approve an overlay relief plan for the 413 area code (also known as “numbering plan area” or “NPA”).² At that time, NANPA estimated that the 413 NPA would exhaust (*i.e.*, run out of numbers) in the first quarter of 2002. The Department immediately petitioned the FCC for a delegation of authority to implement number conservation measures, such as thousands-block number pooling, in the 413 NPA.³ The Department also ordered western Massachusetts telecommunications carriers to provide to the Department forecast and utilization data through

¹ NANPA is responsible for administering and assigning central office codes and area codes in accordance with guidelines established by the Federal Communications Commission (“FCC”), as well as facilitating the area code relief process for the industry in a neutral, third-party role. Neither the Department nor telephone carriers have authority over NANPA.

² An “overlay” plan adds a second area code to the same geographic area as the existing code. All existing numbers retain the original code, but new customers may receive the new overlay code. An alternative form of area code relief, called a “geographic split,” divides the existing area code into two regions, with one geographic area and its customers retaining the existing area code and the other (split-off) geographic area receiving the new code.

³ Thousands-block number pooling is a method of conserving numbers by distributing them to carriers more efficiently. With pooling, telephone numbers are given out in thousands-blocks rather than ten-thousands-blocks, in an effort to reduce the amount of idle-number inventory held by carriers. Carriers donate their excess inventory of unused or minimally used blocks to a pool, from which carriers are assigned new telephone numbers as needed.

2003 to better project the need for future numbering resources in western Massachusetts.

While waiting for the FCC to respond to the Department's petition for delegated authority, on September 7, 2000, the Department opened this investigation to review NANPA's petition for an overlay relief plan in the 413 NPA, and docketed the investigation as D.T.E. 00-64. As part of its investigation, the Department held four public hearings in western Massachusetts,⁴ and accepted written comments on NANPA's petition from the general public⁵ and intervenors.⁶ The comments received from the intervenors indicated that telecommunications carriers were overwhelmingly in support of NANPA's petition for an overlay area code in 413, if area code relief was necessary. The carriers gave numerous reasons for their support of an overlay plan, including that, with an overlay, existing residents and businesses would not need to change their telephone numbers or reprint stationery, business cards or marketing materials (SNET-W Comments at 2; VZ-W Comments at 5; Sprint PCS Reply Comments at 2). Conversely, the majority of comments from the general public at the public hearings and in

⁴ The Department held public hearings in Great Barrington on October 17, 2000; North Adams on October 18, 2000; Springfield on October 24, 2000; and Greenfield on October 25, 2000.

⁵ Written public comments were received from the Boards of Selectmen of the Towns of Warwick, Sunderland, Conway, Leyden, and Worthington.

⁶ The following intervenors submitted comments: the Attorney General for the Commonwealth of Massachusetts; Global NAPS, Inc.; AT&T Communications of New England, Inc.; Verizon Massachusetts; Verizon Wireless ("VZ-W"); RCN-BecoCom, LLC; Allegiance Telecom of Massachusetts, Inc.; CTC Communications, Inc.; Eagle Communications, Inc.; Digital Broadband Communications, Inc.; Sprint Spectrum LP d/b/a Sprint PCS ("Sprint PCS"); SNET Wireless ("SNET-W"); Sprint Communications Company; Conversent Communications of Massachusetts, Inc.; and WorldCom, Inc.

written form were opposed to NANPA's petition. The public commenters were in opposition to the mandatory ten-digit dialing that would accompany the creation of an overlay area code.⁷ Second only to number conservation measures, the public comments recommended a geographic split form of relief. Several commenters who suggested a geographic split also requested that their communities be on the side of the line that would retain the original area code.⁸

II. NUMBER CONSERVATION IN WESTERN MASSACHUSETTS

In anticipation of receiving the requested delegated authority from the FCC to conduct number conservation measures, on January 26, 2001, the Department issued a Request for Responses from firms interested in serving as interim thousands-block number pooling administrator in Massachusetts. On February 14, 2001, the FCC granted the Department's request for delegated authority to undertake number conservation measures in western Massachusetts and the new eastern Massachusetts overlay area codes. Using its newly delegated authority, in March 2001, the Department ordered the implementation of state-wide

⁷ Due to concerns regarding dialing parity, the FCC requires that areas subject to an overlay form of area code relief must have ten-digit dialing for all local calls. Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, Second Report and Order, FCC 96-333, at ¶¶ 286-290 (rel. August 8, 1996). In eastern Massachusetts, all customers have been dialing ten-digits for local calls since April 2, 2001, when the Department implemented four new overlay area codes in response to area code exhaust in the 508, 617, 781, and 978 NPAs. See NANPA Planning Memorandum, No. PL-234, at 1 (July 11, 2000).

⁸ From its previous area code relief activity in 1997 when the Department split off the 781 and 978 NPAs from 508 and 617, the Department is aware that where the line is drawn in a geographic split form of relief is the most contentious and divisive aspect of the geographic split option.

thousands-block number pooling and selected NeuStar, Inc. as interim pooling administrator for Massachusetts.⁹ Number pooling has been underway in the 413 NPA since August 1, 2001. In addition to pooling, number conservation measures in 413 include vigorous Department-administered reclamation of unused numbers, and sequential numbering assignment and fill-rate requirements administered by the FCC. In May 2001, NANPA ran a new exhaust projection for 413 based on the imminent introduction of pooling in Massachusetts, and notified the Department that the exhaust date for the 413 NPA had been moved out to first quarter 2004. In December 2001, NANPA extended its projected exhaust date for the 413 NPA to first quarter 2005.

On March 19, 2002, NANPA notified the Department that all state number pooling trials had been migrated to the national Pooling Administration System. As a result, our state pooling trial in the 413 NPA and the pooling trials in the eastern Massachusetts NPAs became part of the national number pooling program. Finally, in June 2002, taking into account the effects of our interim pooling trial and national pooling, NANPA extended its projected exhaust date for the 413 NPA to third quarter 2009.

⁹ Proceeding by the Department of Telecommunications and Energy to conduct mandatory thousands-block number pooling trials and other number conservation measures pursuant to the authority delegated by the Federal Communications Commission, D.T.E. 01-33, at 3, Vote and Order to Open Proceeding (March 2, 2001). Since that time, the FCC selected NeuStar, Inc. as national pooling administrator to oversee the national pooling framework which began in March 2002.

III. CONCLUSION

In an earlier area code proceeding, Petition of Lockheed Martin IMS, D.T.E. 99-99/99-11, at 14-19 (2000), the Department concluded that by the time the Department received a delegation of authority from the FCC to undertake number conservation in the 508, 617, 781, and 978 NPAs, those area codes were already too depleted for number pooling to be able to delay the need for area code relief in eastern Massachusetts. Fortunately, the opposite is true with regard to the 413 area code in western Massachusetts. The Department has committed to forestalling area code relief in western Massachusetts for as long as possible, and, to that end, has aggressively pursued available number conservation measures prior to the implementation of national pooling. As a result, quick and anticipatory action by the Department, as well as national number conservation policies implemented by NeuStar and the FCC, have negated the need for a new area code in western Massachusetts at this time. Further, by the time that numbering resources do become depleted to an extent that it becomes necessary to implement a new area code in western Massachusetts (currently estimated as third quarter 2009), the Department will need to undertake a new investigation and receive new comments and input from the public. By that time, the Department and the public will have long-term practical experience regarding the relative merits of an overlay method of area code relief versus a geographic split, and such practical experience will be crucial in fashioning an appropriate method of relief in the future. In addition, since the Department received comments in this proceeding, the FCC lifted its prohibition on “technology-specific” overlays, wherein new overlay codes are assigned only to specific telecommunications services or technologies. See

Numbering Resource Optimization, CC Docket No. 99-200, Third Report and Order and Second Order on Reconsideration, FCC 01-362, at ¶¶ 67-94 (rel. December 28, 2001). This option was not available when comments were received in this investigation, and will likely be an important consideration in any future area code relief proceedings in Massachusetts.

Each area code contains finite numbering resources. To be sure, continuing growth of the telecommunications market in western Massachusetts will necessitate the creation of a new area code for western Massachusetts at some point in the future.¹⁰ However, due to the Department's number conservation efforts in western Massachusetts, there seems no need to do so for several years. Therefore, the Department dismisses as premature NANPA's August 1, 2000 petition for area code relief in the 413 NPA and closes its investigation in this docket.

IV. ORDER

After due notice, hearing and consideration, it is

ORDERED: NeuStar's Petition of August 1, 2000, is dismissed; and it is

¹⁰ The 413 area code was one of the nation's original eighty-six area codes first assigned in 1947 (see <http://www.nanpa.com>), and is the only NPA in Massachusetts that has not yet been relieved by an overlay or split.

FURTHER ORDERED: That the Department's investigation in D.T.E. 00-64
is hereby closed.

By Order of the Department,

_____/s/_____
Paul B. Vasington, Chairman

_____/s/_____
James Connelly, Commissioner

_____/s/_____
W. Robert Keating, Commissioner

_____/s/_____
Eugene J. Sullivan, Jr., Commissioner

_____/s/_____
Deirdre K. Manning, Commissioner

According to the authority delegated to the Department by the FCC in Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket 96-98, Second Report and Order, FCC No. 96-333, ¶¶ 268, 281 (rel. August 8, 1996), appeal of this final Order may be taken to the Federal Communications Commission. Timing of the filing of such appeal is governed by the applicable rules of the appellate body to which the appeal is made or, in the absence of such, within 20 days of the date of this Order.